



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/288,643 | 04/09/1999 | TAKAO SAWABE | | 7725 |

9629 7590 07/03/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

FLETCHER, JAMES A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2615

DATE MAILED: 07/03/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/288,643

Applicant(s)

SAWABE ET AL.

Examiner

James A. Fletcher

Art Unit

2615

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: In re page 2, applicant's representative states that Fuchigami fails to teach or suggest control information including at least "a plurality of first division information for identifying first division units..." The examiner respectfully disagrees, and points out that Fig. 22 clearly shows a data pack with pack header, packet header, sub-stream ID, and others. These are well-known identifiers for divisions of the packs.

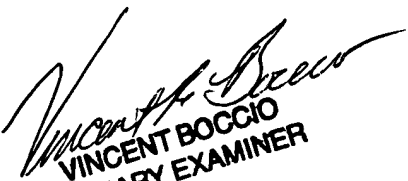
Further in re page 2, applicant's representative states that the specification defines the audio information being same in content and different in recording method...being recorded on recording positions different from each other in the audio information recording area. The examiner wishes to point out that Fig 6 of Fuchigami illustrates two separate methods of audio encoding, the "Dolby Surround Encoder" 53, and the "4-channel digital filter" 57, encoding the same audio signal using different methods.

In re page 3, the applicant's representative asserts that the audio frame information subpacket disclosed in Fuchigami does not serve as a division unit for dividing a plurality of audio information which are the same in content and different in recording method. The examiner is unsure as to what basis the applicant's representative has for this assertion, since any packet header meets the limitation of a division unit.

In re page 4, the applicant's representative states that Fuchigami does not teach or suggest recording the same information multiple times with respectively different formats. The examiner respectfully disagrees, and wishes to point out that the title of Fuchigami, "DVD-Compatible Optical Recording Disk Conveying Audio Signals Encoded Both As PCM Data And As Single Bit Stream Data Generated By Sigma-Delta Modulation, And Encoder Apparatus And Decoder Apparatus For Same" (emphasis added) clearly shows at least two different formats for the audio recording of a single program.

Further in re page 4, the applicant's representative states that the application recites "second division information..." to assist in locating the specific selections within a track, but does not reveal what reasons he has for believing that Fuchigami does not disclose or suggest the use of such division information to identify the appropriate format recording for reproduction. Fuchigami clearly identifies all division with packet headers so the reproduction device can easily locate and identify the packs and packets recorded in the appropriate format.

In re pages 4 and 5, the applicant's representative states that Kojima does not teach or suggest the video zone, a plurality of audio streams, and reproduction control area. The examiner respectfully disagrees, and wishes to point out that Kojima discloses "a control means for causing the video signal and the audio signal recorded in the predetermined region to be reproduced" in Col 3, lines 60-62. This clearly illustrates that audio, video, and control information are readily available in the described region of the disc. Although this passage does not describe multiple streams of audio, Kojima is clearly aware of the use of multiple audio tracks in Col 8, line 38 "When the audio signal has four channels..."


VINCENT BOCCIO
PRIMARY EXAMINER